

Exhibit 9

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid
In Support of Defendants' Common Opposition to Plaintiffs'
Motion for Partial Summary Judgment**

Average Manufacturer Pricing Submission Guidelines

Guidelines for quarterly submission of Average Manufacturer Pricing (AMP) to the State of California Department of Health Care Services (Department) for National Drug Codes (NDCs) subject to contracted supplemental rebates are outlined in the document links below. There is also a sample spreadsheet that contains the correct format the AMP data must be in for submission to the Department's fiscal intermediary, Electronic Data Systems (EDS).

The Department must have the AMP data for the supplemental Medi-Cal contracts at the earliest possible date in order to prepare an accurate invoice.

The Department's due date is the same as the CMS due date, which is 30 days after the end of each quarter.

AMP data received at EDS after the due date will result in incomplete invoices. Please remember that incorrect or improperly formatted data will be returned for corrections. Continued incorrectly formatted and/or late AMP data submissions will adversely affect how the Department reviews future drug contract offers or renewals from your company. These delays in submission may also result in substantial financial penalties.

Please pay particular attention to the comments at the top of each column heading of the spreadsheet. The goal of EDS is to achieve a 100% accuracy rate upon loading of AMP data onto their system as it requires this level of detail.

AMP data should be sent via electronic format and/or paper with a cover letter identifying the labeler name, labeler number, address, telephone number and an email address for the company contact person. The Department also recommends using certified overnight mail with a return receipt.

Please direct AMP data to the contact shown below:

*Electronic Data Systems (EDS)
Drug Rebate Unit
Attention: Drug Rebate Supervisor
3215 Prospect Park Drive
Rancho Cordova, CA 95670*

Any questions regarding AMP submission can be directed to EDS at (916) 636-1955.

If manufacturers have any questions regarding State of California, Medi-Cal Supplemental Contract(s) with the Department of Health Care Services, please contact the Government Affairs representative with your company. The Government Affairs representative can contact the Department if there are further questions.

Please see the links below for complete instructions on how to submit your AMP data in the proper format.

→  [California AMP Submission Instructions - Microsoft Excel \(XLS\)](#)

→  [California AMP Submission Instructions - Adobe Acrobat \(PDF\)](#)

STATE OF CALIFORNIA AMP DUE DATE SCHEDULE

Quarters	Period Covered	AMP due to EDS/DHCS
1st	January - March	May 1st
2nd	April - June	August 1st
3rd	July - September	November 1st
4th	October - December	February 1st

ADDITIONAL INFORMATION

Keep in mind the following:

- AMP pricing data is due to the DHCS fiscal intermediary, EDS, within thirty days after the end of the quarter.
- AMP data is required for those NDCs that have been negotiated under an AMP based Medi-Cal Supplemental Rebate Agreement.
- AMP data is required for an additional four quarters for those NDCs that have been terminated-regardless of the reason for termination.

Any additional questions can be directed to your assigned [Medi-Cal Drug Rebate Analyst \(PDF\)](#).